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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

HOWARD MOUNT JR., individually, and)
as Personal Representative of the Estate) CAUSE NO. CV-21-128-GF-BMM
of Howard Mount, Sr.,)

) **COMPLAINT**
Plaintiff,)
vs.)

UNITED STATES OF AMERICA; VISTA)
STAFFING SOLUTIONS, INC.; and)
NAVTEJPAL SINGH KAHLON,)
Defendants.)

Plaintiff alleges as follows:

1. Plaintiff Howard Mount, Jr. is a surviving son of Howard Mount, Sr.. Howard Mount, Jr. is the duly appointed, qualified, and acting personal representative of the Estate of Howard Mount, Sr. Howard Mount, Jr. is a

1 citizen of the State of Montana and a resident of Blaine County, Montana.

2 2. Howard Mount, Jr. brings this action on behalf of himself, on behalf of the
3 Estate of Howard Mount, Sr., and on behalf of the heirs of the Estate of
4 Howard Mount, Sr., all of whom have sustained lawful damages as a result
5 of Howard Mount, Sr.'s injuries and death.
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8 3. This Court has jurisdiction over this cause of action pursuant to the Federal
9 Tort Claims Act, 28 U.S.C. 2671, *et seq.*, because the claim arises from
10 conduct of federal government agents and Plaintiff has exhausted
11 administrative remedies.
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14 4. This Court has exclusive jurisdiction over tort claims brought against the
15 United States pursuant to 28 U.S.C. § 1346(b).
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17 5. Defendant Vista Staffing Solutions, Inc. is a Delaware corporation with its
18 principal place of business in Plantation, Florida that has a contract with the
19 United States to provide health care providers on the Fort Belknap Indian
20 Reservation.
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23 6. Based on information and belief, Defendant Navtejpal Singh Kahlon is a
24 California resident who is contracted to provide health care services on the
25 Fort Belknap Indian Reservation for the Indian Health Service.
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- 1 7. Plaintiff filed Federal Tort Claim Act claims on May 25, 2021, and the
2 Department of Health and Human Services received the claims on May 27,
3 2021. The government did not act on the claims prior to suit being filed in
4 this matter, therefore Plaintiff's claims are ripe for adjudication.
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6
- 7 8. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(e) and 1402(b).
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- 9 9. On various occasions in 2018 and 2019, Howard Mount, Sr. presented to
10 the Ft. Belknap IHS clinic complaining of pain in his abdominal area.
11
- 12 10. On each occasion, IHS health care providers determined that he had various
13 gastrointestinal issues and sent him home without providing relief from his
14 symptoms or referring him out.
15
- 16 11. On August 11, 2019, Howard Mount, Sr. died of metastatic prostate cancer.
17
- 18 12. Health care providers at the Ft. Belknap Health Center violated the
19 standard of care beginning on when they failed to diagnose and treat
20 Howard Mount, Sr.'s medical condition, specifically prostate cancer.
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- 22 13. Health care providers at the Ft. Belknap Health Center were negligent and
23 violated the standard of care in failing to properly assess and properly treat
24 Howard Mount, Sr.'s condition upon his presentations to the IHS in 2018
25 and 2019.
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1 14. Health care providers at the Ft. Belknap Health Center were negligent and
2 violated the standard of care in failing to properly assess and refer Howard
3 Mount, Sr. to other medical care providers upon his presentations to the
4 IHS in 2018 and 2019.

5
6 15. As a direct and proximate result of each of the acts and omissions of the
7 IHS and health care providers at the Ft. Belknap Health Center alleged in
8 this Complaint, Howard Mount, Sr.'s condition deteriorated and he suffered
9 severe injuries, resulting in his death.
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12 16. Plaintiff should receive lawful damages under Montana's survival statute,
13 MCA § 27-1-501, and wrongful death statute, MCA § 27-1-513, as follows:
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15 A. For the wrongful death of Howard Mount, Sr. and the loss of
16 economic and family support, companionship, affection, society,
17 consortium, comfort, and services he provided to his family;
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19 B. For Howard Mount, Sr.'s mental anguish, pain, and suffering before
20 he died;
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22 C. For Howard Mount, Sr.'s funeral and burial costs.
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24 **WHEREFORE**, Plaintiff demands judgment against the Defendants as follows:
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26 1. For judgment in such amounts as shall be proven at the time of trial.
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- 1 2. For an award of attorney's fees and costs as provided by any
- 2 applicable provision of law.
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- 4 3. For such other and further relief as the Court deems just and
- 5 equitable.
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7 DATED this 27th day of December, 2021.

8 /s/ Timothy M. Bechtold
9 BECHTOLD LAW FIRM, PLLC